

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



**OFFICIAL WARNING
VIOLATION OF FEDERAL REGULATIONS**

CASE NO.
NC130008-AC

VIOULATOR

Barry Baggerly

ADDRESS (Street, City, State, Zip Code)

1950 Wheeler Bridge Road
Burlington, NC 27215

The Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following violation(s) of Federal Law:

Date of Violation: October 12, 2012

15 U.S.C. § 1824(2) – Unlawful acts

“The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse.”

9 C.F.R. § 11.3 – Scar rule

“The scar rule applies to all horse born on or before October 1, 1975. Horses subject to this rule that do not meet the...scar rule criteria shall be considered to be “sore” and are subject to all prohibitions of ...the Act.”

Barry Baggerly entered for the purpose of showing, a horse, “Call Me Buster,” in the North Carolina State Fair Horse Show in Raleigh, NC, which was found sore.

*** See Continuation Page ***

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title)

Dr. Chester A. Gipson

Deputy Administrator

APHIS

SIG

DATE ISSUED

10/12/2012

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

OFFICE ADDRESS:

4700 River Road

Riverdale, MD 20737

TELEPHONE NO.

(301) 851-3751

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO.:

15 U.S.C. § 1824(7) – Unlawful Acts

“The showing or exhibiting at a horse show or horse exhibition; the selling or auctioning at a horse sale or auction; the allowing to be shown, exhibited, or sold at a horse show, horse exhibition, or horse sale or auction; the entering for the purpose of showing or exhibiting in any horse show or horse exhibition; or offering for sale at a horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance which the Secretary by regulation under Section 1828 of this title prohibits to prevent the soring of horses.”

9 C.F.R. § 11.2(b) (15) - Prohibition concerning exhibitors – Specific prohibitions

“(b) Specific prohibitions. The use of any of the following devices, equipment, or practices on any horse at any horse show, horse exhibition, or horse sale or auction is prohibited: (15) Metal hoof bands, such as used to anchor or strengthen pads and shoes, placed less than $\frac{1}{2}$ inch below the coronet band..”

Barry Baggerly entered for the purpose of showing, a horse, “Call Me Buster,” in the North Carolina State Fair Horse Show in Raleigh, NC, which had a metal band placed less than $\frac{1}{2}$ inch from the coronet band.